Forwarded

App. F. IX-4

245

1934. (Mezrai)

File No. —34.

Serial Nos. 1 3

Previous References

Mrg 22 1 2
157 34 1 2
28 3, 4
8 16.

Later References.

Mrg 245-34-4-7
295-37-
Mrg 168-38-3-6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3.

Part B for February 1935.

SUBJECT.

Regarding the site for the construction of the new Non Brahmin Choultry in Shimpatur Hills Pandaravanam and that another suitable site will be given for the purpose if required

From the Mrg Court
No 40 of 10 1 35

WD 01965—GPB—15,000—7-7-34

N - B. Chatram a. [illegible]

General and Revenue Secretariat — [illegible] File No. 2 [illegible] of 193 [illegible] — [App. F. III—2

Serial No.

1

Letter No [illegible] dated [illegible]
from [illegible]
[illegible]

States that the site [illegible] purchased [illegible] Brahmin charitable institution [illegible] which under the [illegible] that its use to the [illegible] another suitable site [illegible] purpose. Ms Reference.

The construction of the proposed N-B. chatram is [illegible] over The letter will, if agreed, be sent to the M.C for a report.

27/11 (Chief Secy) 27/11/34

3 Yes - at at early date

28/11/34 28/11

4 Memo on the petition is [illegible].

28/11 29/11

Petition sent to M C with no 795-Q 29-11-34

Secy A 30/11/34

NOTE—Contn Sheet

WD 01955—GPB—22,500—12 6-34

for D. I

6 This relates to a reference from the Commissioner of Tirupathi devasthanams in respect of the site on the Tirupathi Hill, purchased by the Govt for the construction of a choultry for Non-Brahmins.

7 The site purchased by the Govt consists of 2 blocks S.No 636/3 and S.No 636/4 over the latter of which the Vendor had an absolute title. The Commissioner has taken objection in respect of both the blocks In respect of S.No 636/4 he states that this is described as a dalvoy in inam belonging to the Venkatalamanaswami temple and that its alienation can not be left unchallenged. He has also stated that he has no objection to give away other site in possession of the Temple Committee to the Govt for building a choultry. But the M.e has reported that there is only one site in possession of the Committee and that this is not satisfactory for our purposes in as much as it is rocky and far away from the present choultry.

8 In respect of alienation of S.No 636/3, the Commissioner has taken objection on two grounds. The first is that the land was confirmed in the inam settlement to the Temple for maintenance of Mandapams and that the Vendor who was only its Manager had no right to alienate it.

Serial No.

9 The second, is that the conversion of the garden land into a building site, even though for a charitable, would go against the tenure of the in an settlement.

10 As regards the first objection it is pointed out by the M.C. that the Mandavanam has been taken over with the risk attendant on its purchase as pointed out by him in october 1930, and that it was for this reason that the purchase money was reduced by the Vendor from Rs 5,500 to Rs 4600 and the transaction was finally concluded for Rs 4300. From the plan annexed to the G.O. dated 5th July 1930 and from the Sale deed, draft of which was approved by Govt in January 1931, it will be seen that Govt have purchased the absolute right in S.No 636/4 for the entire sum of Rs 4300 and that the Vendor has transferred as an appendage his right, title and interest in S.No 636/3 without any consideration.

11 The M.C further states that such alienations are however recognised by the Govt of Madras if they are made subject to the performance of the service for which the inam was originally granted, the alienee (in the present case the Municipal Govt) being recognised as the grantee.

12 As regards the second objection, the

states that the original idea was to build the choultry on the undisputed portion of the site, as reported in his letter dated 17.3.30 and that when the building is actually taken up it may become necessary to use a portion of the Nandalaam for the construction of the choultry.

13 In the circumstances, with a view to avoid all future complications, the M.C. suggests that the Madras Govt may be addressed to waive these objections of the Temple Committee and to regularise the transaction as valid and permit the construction of the building.

14 The objections now put forth by the Temple Committee seem to have been already considered by the Govt at the time of ordering the purchase of the site. This reference is limited to the legal aspect of the case noted at pages 35-39 and the M.C's reply thereto noted at page 41 of the Note in the Home: Collection 352-28-16 pukka below. The M.C has already pointed out in his official Note dated 6.1.31 that in the circumstances explained therein, there is no fear of the known

4057 P M – B. Charitable and Religious Wills

[App. F. III—2

General and Revenue Secretariat | Misc | File No. | of 193 U

Serial No.

land being resumed by the Govt of Madras ~~and that~~ in case it is purchased by the Rly Govt.

(1) Whether the Govt of Madras has to be addressed in the matter as suggested by the M.C in para 7 of his letter dated 10.1.35 or the question may be kept as it is, awaiting the threatened suit, is the point for consideration.

(2) Law Section may be consulted in the matter.

BJS 18/1

(1) The above office note clearly explains the case. As suggested by the M.C. in para 7 of his letter (PWD II) D 10/1/33 the best course now to adopt seems to be to address the Madras Govt ~~accordingly~~ explaining the Situation and requesting them to waive the objection and to recognise the transaction as valid and permit the Construction of the Chantry for Non-Brahmins on the Tirupati Hill. Law Section may be consulted.

SS 21/1/35

Ch. Secy) 18

Please do

RR 22/1/35

Law Section)

22/1/35

CHIEF SECY. MADRAS

21 JAN. 1935

NOTE—Contn. Sheet

WD 01955—GPB—22,500—12 6-34

19 The objections raised by the Commissioner of T. T. Devasthanam are

1) That the land was confirmed in the inam settlement to the temple of Venkata nara yana Swamy for the maintenance of nandavana, and that the holder being only a manager had no right to alienate the same.

2). That the Conversion of the garden land into a building site even though for a charity would go against the terms of the settlement.

Govt are aware of the defects in the title of the land in question; but in view of the Govt. Ad's opinion and M.C's unofficial note in para 17 and 41 respectively of the note in Mrg. 352-28 Sanction was accorded to purchase the land, with an indemnity clause added thereon.

? I now that the land is used for a Charitable purpose, the Madras Govt may perhaps be addressed that the Residency, to waive the objections now raised by the temple Committee

ISD 22/4.

22- Under sec 5 of Madras Act XIX of 1933, the Tirumalai-Tirupati Devasthanams Committee is a body corporate having a right to sue & be sued by that name Its powers and duties are defined

Serial No.

in the statue and the Local Govt have reserved no powers of appeal or revision in the matters of the acts of the Committee — It is not therefore clear how the Madras Govt, even if they wish to oblige us, can direct the objections now raised being waived — I fear that any reference if made by us to the Govt of Madras ~~will receive~~ as suggested will receive a short reply that under the law that Govt can take no action.

23 I think the matter in dispute is one which is eminently fit for fair compromise with the Committee, if such a compromise is possible. Otherwise the threatened suit has to be awaited & defended as best as we could.

Asst Secy Mun Br
with Compts

24/1/35

24 The above opinion may perhaps be Communicated to the Mun Co.

Ch. Secy)

25 R 24/1/35

Il Member 24/1/35

24/1/35

CHIEF SECRETARY
23 JAN. 1935

24/1

26/1

NOTE —Contn. Sheet

WD 01955—GPB—22,500—12 6-34

N – 5 Chattrams on Tirupathi Hills

798

1644 File No. of 1934 | General and Revenue Secretariat

27 If appd, this will be sent to the M. C. unofficially for favr of taking the above order and for taking necessary further action as suggested at para 23 supra

1/2/35 (Endo: Secy)

2/2/35

KR 2 2/2

CHIEF SECRETARY 4 FEB. 1935

Forwarded with compliments to the Muzrai Commissioner in Mysore, unofficially, for favour of taking the above order and for taking necessary further action as suggested at para 23 of the Notes Supra

By order.

Bangalore 5th Feb 1935

for Chief Secretary

240/34-35 1327/25.

240 no 37-34.

C 40/34-35 6. FEB 1935 OFFICE BANGALORE

3 I propose going to Tirupati for inspection during March or April 1935 when I shall speak to the Commissioner of the Tirumalai-Tirupati Devastanam about the matter and make a further reference to Government, if necessary.

The enclosures to this office letter of the 10th January 1935 are retained.

Returned with compliments.

Muzrai Commissioner.

Regd + put up

7/2/35

13/2

Chatham on Income Tax

General and Revenue Secretariat | Mysg File No. | of 1934 | [App. F. III–2

Serial No.

33) Submd for perusal with refce to paras 26 & 28 supra.

14/2/35

Ch-Secy)

34

Submd for perusal

18/2/35

Dewan)

35

18-2-35

19/2

RECEIVED 11 FEB 1935 No. 2165

CHIEF SEC. MYSORE. 9 FEB. 1935

Received back from Ch-Secy-on-18/2/35

18/2

20/2/35

Note–Contn. Sheet

File No. of 193 .

General and Revenue Secretariat

Tirumalai, Tirupati, Etc., Devasthanams

In reply please quote number, date and short title.

R. O. C. Dis. No. 2234 1934. OFFICE OF the Commissioner,

CAMP Tirupati,

ENCLOSURES. DATE 8th November 1934.

CHIEF SECRETARY. 19 NOV. 1934

GENL & REV. SECRETARIA 5172

FROM M.R.Ry.,Rao Bahadur
.....K.Sitarama Reddy Garu.,B.A.,B.L.,
Commissioner,T.T.Devasthanams,...
.....Tirupati.....

To

The Secretary,.....
Muzerai Department,H.H.the Maharajah's
Government,...Mysore.....

SIR, Sub:- Nandanavanams on Tirumalai.
Ref:- Letter from the Peishkar, Mysore Government Charities, Tirupati--No.414 dated 1--9--34.

There are a number of gardens on the Tirumalai Hills for which Title Deeds were issued by the Inam Commissioner in the year 1882. They are all issued in the name of 'The Manager for the time being of Nandavanam at Tirupati and Tirumalai' and describe the gardens as 'Devadayam' 'held for the support of Venkateswara swami Pagoda' on Tirumalai. The Inam fair Register describes the then holders as 'Managers'.

2. Two gardens covered by Title deeds No.2898 and 2910 and measuring a.2. cents. 35. and a. 1. cents. 69. have been in the possession of the Mysore State all along and in the inam fair register the description of the occupant is given as'Manager, The Maharajah of Mysore'. The records of the Devasthanam obtained from the office of the Collector of Chittoor show that when Diwan Poornayya of Mysore came here in 1807 A.D. *he requested the then Collector to give* him one of the gardens belonging to the Devasthanam to enable him to render flower service to the Deity and that his request was then complied with.

3. His Highness's Government is maintaining a magnificent choultry on the Tirumalai Hill for Brahmins ~~and rendering~~

P.T.O.

and rendering numerous Kainkaryams in the Pagoda and every Pilgrim is well aware of the same, The Committee is glad to learn that a non-brahmin choultry is also intended to be constructed soon and thanks His Highness's Government for this further act of charity.

4. The site that has been purchased for this new choultry however includes another Nandavanam covered by Inam title deed No.2899 for an area of a.1.90 cents. In the Inam fair register, the then occupant is described as 'Manager Srinivasa Ditchatulu son of Archakam Venkatrama Dikshitulu' and the title deed distinctly describes the property as Deva Dayam 'held for the support of Venkateswaraswami Pagoda'. I may add that the final order of the Inam Commissioner runs 'Confirmed to the pagoda so long as the Nandavanams are kept up' Before the Inam authorities the said Srinivasa ~~Ditchithulu~~ Dikshitulu distinctly admitted the nature of the property. The present vendor in his reply to a notice from this office writes as follows:-

"2. There was a grant of Survey No.636/3 in favour of my ancestors by Government for doing Nandavanam service'.

He only pleads that the service was never enforced by the previous trustees of the Pagoda and that therefore the property has become his own which he could sell freely for his own benefit.

5. The claim thus asserted by the Archaka cannot be admitted by the Committee, as similar ones might be raised with reference to a number of other gardens in the charge of other persons. Further under section 47 of the I.T.D.Act. the Committee has to supervise all specific endowments call for their accounts and get them audited.

6. One other point to be kept in view is the terms of the Inam Commissioner's final order that the inam will be continued only so long as the 'Nandavanams are kept up'. ~~It may not~~

It may not be desirable to convert garden land into building site even though for a choultry. In any case your vendor has no right to appropriate the money to his own use and the Committee may not refrain from challenging the validity of the sale without itself being subject to a charge of committing a breach of trust at the very inception of its assuming charge of the Devasthanams.

The Committee has to see that Nandavanams in other's possessions are maintained as such, that all the produce thereof are utilised either in specie for the Pagod or if sold or leased out that the amounts are utilised for the Devasthanam and ~~amounted~~ accounted for by the sending of proper accounts for the purposes of audit ~~Under~~ under section 47 of the Tirumalai-Tirupati Devasthanams Act. The Committee therefore very much regrets that it does not see its way to acquiesce in the alienation of the Nandanam by the Archaka. It has however no objection to give any other site in its possession for the purpose of His Highness' Government building a Non-Brahmin Choultry and will be glad if your Peishkar will meet me with any definite suggestion in the matter.

C. Ammi Raju. 8.11.34
for Commissioner.

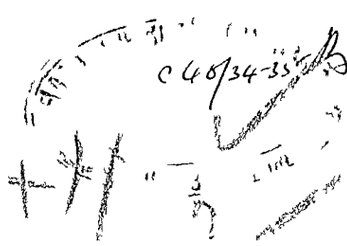
KVRao-8/11.

8/11 8.11 9/11 34

795/M03 & 29-11-34

Forwarded with compliments to the
Mysore Commissioner in Mysore for favour of
a report at an early date

By order
[illegible]
for chief Secretary to Govt



M'C 13.] NMs 245 34 3 1/4

No. C.40/34-35

Encls 5.

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 10 ..... 193 .

FROM

N. MADHAVA RAO, ~~Esq.,~~ ~~B.A.~~ ; ~~B.E.~~,
Muzrai Commissioner of Mysore.

799

To

Secretary to the Government of His Highness
the Maharaja of Mysore,
.....*Department.*

Urgent
Put up with papers please
10 Jun.
1/11/35

Returned for perusal in the first instance.
1/11/35
Granted as usual
RR 1/11/35

SIR,

away present
1 1

3. The Commissioner has taken objection to the purchase of S.No. 406/3 on two grounds. The first of these is that the land was conferred on the then servant of the Devasthanam by way of remuneration for the maintenance of an avenue (that the vendor, Sri Vasa Dikshitulu, on whose behalf the manager thereof had no right to alienate it. The second objection is that the conversion of the garden land into a building site, a fish pond or a poultry, would go against the terms of the lease settlement. It therefore purports to act under Sections 45 and 47 of the Tirumala-Tirupati Devasthanams Act under the former of which, the Devasthanam Committee is entitled to take possession of all properties belonging to the Devasthanam, and under the latter, to enforce the performance of the service in respect of which the specific endowment is made, and to have power of superintendence over the endowment.

4. As regards the first objection, I have to state that the Kanakavalam has been taken over with the risk attendant on its purchase, which was stated by the Huzrat Commissioner in his letter No.C.422/36-37 dated 5-10-1936 addressed to the Financial Secretary. It is for this reason that the purchase money was reduced by the vendor from Rs.5,500/- to Rs.4,500/- (vide G.O. No.2339-1/Huz.352-36-10 dated 1st May 1937). The transaction was finally concluded for Rs.4,200/-. It will be seen from a perusal of this office letter quoted in extenso in the preamble to the G.O. No.1521/Huz.353-36-12 dated 24th July 1940 and from the Sale Deed in lieu of which a Kannada translation is appended herewith, true of which the draft was approved by Government in Financial Secretary's letter C.1656/Huz.352-36-14 dated 20th February 1937 that the vendor has conveyed the absolute right in S.No.406/3 for a consideration sum of Rs.4,000/- and that the vendor has transferred to the Devasthanam his right, title and interest in S.No.406/3 without any consideration.

5. The land is governed by Standing Order 54 of the Standing Orders of the Board of Executive Officer, Clause (3) of which "Religious and public trusts may be resumed on the ground that the whole or portion of the land in respect of which the title deed was issued

grant are not observed." Such alienations are however recognised if they are made subject to the performance of the service for which the grant was originally granted, the alienee being recognised as the [illegible] ar. [illegible] might possibly have sought shelter under the latter clause if the Flower Garden were in existence, and were [illegible] flowers to the temple.

6. As regards the second objection the original idea was to build the choultry under on the undisputed portion of the site (vide [illegible] para of this office letter No.1422/30-2 dated 17-3-1930). But when the building is actually taken up, it may become necessary to [illegible] portion of the Mundavanam for the construction of the Choultry.

Considering all the circumstances, and with a view to avoid future complications, it seems to be best, once for all, to induce the Madras Government to waive the objections and to regularise the transaction as valid and permit the construction of the Choultry.

8. I request that such further action as may be deemed fit may be taken in the matter, in consultation with the Law Section.

I have the honour to be,

Sir,

Your most obedient servant,

K. Anantaraman

Executive Engineer.

ent.